Fact Sheet: Aboriginal Claims in Canada

In general, there are two types of Aboriginal claims in Canada that are commonly referred to as "land claims": **comprehensive claims** and **specific claims**. Comprehensive claims always involve land, but specific claims are not necessarily land-related.

Comprehensive Claims

Comprehensive claims deal with the unfinished business of treaty-making in Canada. These claims arise in areas of Canada where Aboriginal land rights have not been dealt with by treaty or through other legal means. In these areas, forward-looking modern treaties are negotiated between the Aboriginal group, Canada and the province or territory. These modern treaties are enshrined in legislation and provide a clear, certain and long-lasting definition of land rights for all Canadians. This includes certainty about the ownership, use and management of land and natural resources for all parties. Some treaties have also included provisions relating to Aboriginal self-government. The rights set out in the treaties receive constitutional protection.

Since 1973, twenty modern treaties have been negotiated across the country. These treaties (mostly in northern Quebec and the three territories, but with one in British Columbia and one in Labrador) involve over ninety Aboriginal communities with over 70, 000 members. Negotiations are ongoing in approximately sixty processes across the country at various stages of negotiations and levels of activity. A majority of these negotiations are in British Columbia.

Specific Claims

Specific claims deal with past grievances of First Nations. These grievances relate to Canada's obligations under historic treaties or the way it managed First Nations funds or other assets. For example, a specific claim could involve the failure to provide enough reserve land as promised in a historic treaty or the improper handling of First Nation money by the Crown. Canada completes a thorough review of the facts of each claim to determine whether it owes a lawful obligation to a First Nation. To honour its obligations, Canada negotiates settlements with the First Nation and (where applicable) the province. These settlements provide First Nations with fair compensation to resolve the claim once and for all. Through these settlements, First Nations in turn provide Canada with releases to ensure that the claim can never be re-opened.

Over 489 specific claims have been concluded to date across the country, including 282 claims settled through negotiations. These settlements involve over 181 First Nation communities with over 230,000 members. About 123 specific claims are under negotiations.

Balancing the rights and interests of all Canadians

Canada first established policies on Aboriginal claims in 1973, along with processes and funding for resolving these claims through negotiation. It is important to note that these are optional processes that provide Aboriginal groups with an alternative to going to court to resolve their claims. It is in the best interest of all Canadians, Aboriginal and non-Aboriginal alike, to find mutually-acceptable ways to resolve these claims. Negotiations lead to "win-win" situations that balance the rights of all Canadians.

Under Canada's claims policies, the interests of third parties must be taken into account during the negotiation process. Private property is **not** on the negotiating table. Canada does **not** take away

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privately owned lands to settle any claims, nor are private property owners asked to sell their land unwillingly. If land changes hands after a settlement of a land claim, this can only happen on a willing-seller/willing-buyer basis.

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